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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/903,444

**Applicant(s)**

BARBER ET AL.

**Examiner**

Asfand M. Sheikh

**Art Unit**

3627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-21,23-41,63-68,70 and 71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-21,23-41,63-68,70 and 71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

The amendment filed on 10/31/2007 has been entered. Claims 1, 3-7, 9-21, 23-41, 63-68, 70 and 71 remain pending in the application. Claims 34, 35, 38-40 and 70 have been amended. The examiner maintains the same grounds of rejection this action is made Non-final.

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 12, 18-19, 23, 26, 28, 29, 31, 63, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 5,934,439 and Harman et al. United States Patent 5,095,195.

**As per claim 1 and 63,** Newell et al. teaches coupling one or more kiosks to a central processing system via a telephone or dedicated line, each of the kiosks containing a plurality of optical recorded media (Newell et al., see at least, col. 3, lines 42-66 and col. 4, lines 12-20; Examiner "interprets central processing system" to be a server); determining, at the server, inventory of the optical recorded media of each of the kiosks (Newell et al., see at least, col. 3, lines 42-66 and col. 4, lines 12-20); routinely obtaining, at the server, operational status of each of the kiosks (Newell et al., see at least, col. 4, lines 13-35); a display screen in which selections and status information is displayed (Newell et al., see at least, col. 5, lines 42-61); dispensing the first local optical media from the first kiosk to the first user (Newell et al., see at least, col. 4, lines 65-68 and col. 5, lines 1-5); and accepting return of the first local optical media into rentable inventory of a second kiosk, the second kiosk being another one of the kiosks (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

The examiner notes Newell et al. is silent with respect to kiosk attached to a server via the internet; automatically communicating between the first kiosk and the server to authorize the first transaction; dispensing the first local optical media based of the authorization; and a touch screen interface providing a touch-selectable listing of optical recorded media contained within the first kiosk.

Kanoh et al. teaches kiosks attached to server via the Internet (Kanoh et al., see at least, col. 4, lines 21-33; the examiner interprets online to be attached to the Internet); communicating between the first kiosk and the server to authorize the first transactions (Kanoh et al., see at least, col. 6, lines 41-56); and dispensing the product based of the authorization (Kanoh et al., see at least, col. 6, lines 41-56).

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include kiosks attached to server via the internet; communicating between the first kiosk and the server to authorize the first transactions; and dispensing the product based of the authorization as taught by Kanoh et al. One of ordinary skill in the art would have been motivated to combine

the teachings in order to correctly identify and authenticate a customer before dispensing a product to the customer.

Harman et al. teaches a touch screen interface providing a touch-selectable listing of recorded media contained within the first kiosk (Harman et al., see at least, col. 5, lines 23-39).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include a touch screen interface providing a touch-selectable listing of optical recorded media contained within the first kiosk as taught by Harman et al.. One of ordinary skill in the art would have been motivated to combine the teachings in order to interactively interact with a kiosk in order to simplify the use of the kiosk.

**As per claim 12 and 66,** Newell et al. teaches determining inventory at the server comprising tracking inventory movement of the first optical media between the first kiosk and the second kiosk (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

**As per claim 18**, the examiner notes that the limitations of claim 18 are substantially similar to that of claim 1, and is rejected under similar grounds.

**As per claim 19**, Newell et al. teaches managing the first and second kiosk from the central server (Newell et al., see at least col. 4, lines 12-48).

**As per claim 23**, Newell et al. teaches backing up at least part of the information stored in the central server within internal memory within the first kiosk (Newell et al., see at least col. 4, lines 12-48; Examiner notes the "reports" would be backed up information within the internal memory within a kiosk).

**As per claim 26**, Newell et al. teaches managing a group of kiosk through the via a central processing system connected to a dedicated line, the group of kiosk being a subset of all the kiosk (Newell et al., see at least, FIG. 1).

Newell et al. is silent with respect to managing the kiosks via the server through a personal computer connected to the internet.

Kanoh et al. teaches managing the kiosks via the server through a personal computer connected to the internet (Kanoh et al., see at least, col. 6, lines 41-56; Examiner notes "judgment command" to be a form of managing kiosks for distribution of media).

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include via the server through a personal computer connected to the internet as taught by Kanoh et al.. The motivation to combine is the same as claim 1, above.

**As per claim 28**, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

**As per claim 29**, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

Newell et al., is silent with the respect of determining the inventory levels via an internet connection.

Kanoh et al teaches determining the status of videos via on online connection to the server (Kanoh et al., see at least,



col. 4, lines 33-61; Examiner notes that "trade" signifies the status of the video to the server and is an exchange of inventory information regarding that video).

The Examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al. to include determining the inventory levels via an internet connection as taught by Kanoh et al. The motivation to combine is the same as claim 1, above.

**As per claim 31**, Newell et al. teaches routinely obtaining one or more alarm states associated with the first kiosk (Newell et al., see at least col. 4, lines 12-48).

3. Claims 3-7 and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 as applied to claim 1 above, and further in view of Koenck United States Patent 6,688,523.

**As per claim 3 and 64**, Newell et al. teaches a code on the optical media (Newell et al., see at least, col. 4, lines 49-

59), and based off an identifier indicting which of the kiosks the first optical media may be returned to, and accepting the first optical media at the second kiosk is associated with an identifier (Newell et al., see at least, col. 4, lines 49-68, col. 5, lines 1-5 and col. 8, lines 29-34).

The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to capturing a digital image of a code.

Koenck teaches capturing a digital image of a code (Koenck, see at least, col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include capturing a digital image of a code as taught by Koenck. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a cost effect, portable OCR reader that would increase the read rates and accuracy of a label (Koenck, see at least, col. 1, lines 23-30).

**As per claim 4**, Newell et al. teaches identifying optical media from different kiosks (Newell et al., see at least, col. 4, lines 65-68; col. 5, lines 1-5; and col. 8, lines 10-41).

The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to further comprising the steps of rotating the image via internal software.

Koenck teaches further comprising the steps of rotating the image via internal software (Koenck, see at least, col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

The examiner takes the position that it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of teachings of Newell et al., Kanoh et al., and Harman et al. to include further comprising the steps of rotating the image via internal software as taught by Koenck. The motivation to combine is the same as claim 3, above.

**As per claims 5, 6, and 65**, the Examiner notes that these limitations are substantially similar to those of claims 3 and 4, and are rejected under similar grounds. Further the examiner notes Newell et al. teaches a UPC (first code) and a unique tape identifier number (second code), which is in the form of a conventional bar code (Newell et al, see at least, col. 4, lines

49-59). Further the examiner notes it is a matter of design choice to utilize one or more bar codes that serve the same functional as one bar code.

**As per claim 7**, Newell et al. teaches wherein one or both of the first code and second code comprise a bar code (Newell et al., see at least, col. 4, lines 49-59).

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581, and Koenck United States Patent 6,668,523, as applied to claim 3 above, and further in view of Rudy et al. United States Patent 4,608,679.

**As per claim 9**, Newell et al. teaches accepting return of the first optical media into rentable inventory of the second kiosk and opening a door to an input/output slot of the second kiosk to accept the optical media (Newell et al, see at least, col. 4, lines 65-68 and col. 6, lines 10-28).

The examiner notes Newell et al., Kanoh et al., Harman et al. and Koenck are all silent with respect to sensing characteristics of a case housing the first optical media,

determining if the characteristics match a predetermined characteristic associated with the kiosk.

Rudy et al. teaches sensing characteristics of a case housing the first optical media (Rudy et al., see at least, col. 7, lines 15-51), and determining if the characteristics match a predetermined characteristic (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be determining a characteristic associated with the machine).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Koenck to include sensing characteristics of a case housing the first optical media, and determining if the characteristics match a predetermined characteristic associated with the machine as taught by Rudy et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to quick effective method to retrieve optical storage discs (Rudy et al., see at least, col. 2, lines 33-53).

**As per claim 10,** The examiner notes Newell et al., Kanoh et al., Harman et al. and Koenck are all silent with respect to

wherein the predetermined characteristics are defined by the physical structure of the case.

Rudy et al. teaches wherein the predetermined characteristics are defined by the physical structure of the case (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be a physical structure of the case).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Koenck to include wherein the predetermined characteristics are defined by the physical structure of the case as taught by Rudy et al. The motivation to combine is the same as claim 9, above.

**As per claim 11,** The examiner notes Newell et al., Kanoh et al., Harman et al. and Koenck are all silent with respect to wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the step of sensing characteristics sending the holes and blocked regions.

Rudy et al. teaches wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the step of sensing characteristics sensing the

holes and blocked regions (Rudy et al., see at least, col. 7, lines 15-51; Examiner notes the "infrared beam... passes through the hole" to be a physical form. Further the Examiner notes that there would be blocked regions if the "infrared beam" could not pass through the hole).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Koenck to include wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the step of sensing characteristics sensing the holes and blocked regions as taught by Rudy et al. The motivation to combine is the same as claim 9, above.

5. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 as applied to claim 1 above, and further in view of Maloney et al. United States Patent 6,119,932.

**As per claim 13**, The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to obtaining and storing one or more images through an image capturing device located within, or in proximity to the first kiosk.

Maloney et al., teaches obtaining and storing one or more images through an image capturing device located within, or in proximity to the first machine (Maloney et al., see at least, ABSTRACT, col. 2, lines 44-52, and col. 4, lines 1-21).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include obtaining and storing one or more images through an image capturing device located within, or in proximity to the first kiosk as taught by Maloney et al. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an improved identification verification apparatus and method that keeps a record of the image (Maloney et al., see at least, col. 1, lines 33-43).

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and



Harman et al. United States Patent 7,058,581 and Maloney et al. United States Patent 6,119,932 as applied to claim 12 above, and further in view of Ogasawara United States Patent 6,513,015.

**As per claim 14,** The examiner notes Newell et al., Kanoh et al., Harman et al., and Maloney et al. are all silent with respect to wherein the step of obtaining comprises the step of imaging a person proximal to the first kiosk.

Ogasawara teaches wherein the step of obtaining comprises the step of imaging a person proximal (Ogasawara, see at least, col. 9, lines 11-28) to the kiosk (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Maloney et al. to include wherein the step of obtaining comprises the step of imaging a person proximal to the kiosk as taught by Ogasawara. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an electronic system that is able to collect and store customer recognition information in real time (Ogasawara, see at least, col. 3, lines 35-43).

**As per claim 15-16,** The examiner notes Newell et al., Kanoh et al., Harman et al., and Maloney et al. are all silent with respect to imaging a person conducting a user identification or credit card input at the first kiosk.

Ogasawara teaches imaging a person conducting a user identification (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Maloney et al. to include imaging a person conducting a user identification as taught by Ogasawara. The motivation to combine is the same as claim 14, above.

**As per claim 17,** The examiner notes Newell et al., Kanoh et al., Harman et al. and Maloney et al. are all silent with respect to transmitting the images to the central server.

Ogasawara teaches transmitting an image to the central server (Ogasawara, see at least, col. 16, lines 17-68).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. and Maloney et al. to include

transmitting an image to the central server as taught by Ogasawara. The motivation to combine is the same as claim 14, above.

7. Claims 20-21, 24-25, 27, and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 as applied to claim 1 above, and further in view of Tomita et al. United States Patent 6,965,869 (hereinafter Tomita).

**As per claim 20 and 67,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to further comprising the steps of communicating advertising information from the server to a third kiosk, the third kiosk being one of the kiosks, and communicating the advertising information to users at the third kiosk.

Tomita discloses further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk (Tomita, see at least, col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk as taught by Tomita. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide advertising information to a customer, which improves and attracts the customers' interest (Tomita, see at least, col. 3, lines 2-17).

**As per claim 21,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to wherein the step of communication the advertising information comprises one of displaying the information on a screen at the third kiosk and audibly communicating information to the users through speakers at the third kiosk.

Tomita discloses communicating advertising information comprises displaying the information on a screen (Tomita, see at least, col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include communicating advertising information comprises displaying the information on a screen as taught by Tomita. The motivation to combine is the same as claim 20, above.

**As per claim 24, 25, and 68** The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to profiling user transactions at the second kiosk and communicating advertising information at the second kiosk based on the profiling of user transactions.

Tomita discloses profiling user transaction at a kiosk and communicating advertising information based on the profiling of user transactions (col. 5, lines 14-64, col. 6, lines 26-32, col. 8, lines 31-52).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include profiling user transaction at a kiosk and communicating advertising information

based on the profiling of user transactions as taught by Tomita. The motivation to combine is the same as claim 20, above.

**As per claim 27,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks.

However Tomita discloses wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks (Tomita, see at least, col. 5, lines 14-64 and col. 6, lines 26-32).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks as taught by Tomita. The motivation to combine is the same as claim 20, above.

8. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560

in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581, and further in view of Crapo United States Patent Applicant Publication 2004/0064371.

**As per claim 30**, Newell et al. teaches determining inventory at any of the kiosks within the group of kiosks (Newell et al., see at least col. 4, lines 12-48).

The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to further comprising the step of emailing discount coupons to the first user through the internet based on inventory.

Crapo discloses further comprising the step of emailing discount coupons to the first user through the Internet based on inventory (Crapo, see at least, 0052; The Examiner notes that emails... such communications may include other incentives based on partner inventory" to be emailing coupons through the internet based on inventory).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include the step of emailing discount coupons to the first user through the Internet based on

inventory as taught by Crapo. One of ordinary skill in the art would have been motivated to combine the teachings in order identify members for incentive awards based on a variety of behaviors (Crapo, see at least, 0015).

9. Claim 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 as applied to claim 32 above, and further in view of Peters United States Patent 5,769,269.

**As per claim 32 and 33**, Newell et al., teaches routinely obtaining one or more alarm states associated with the first kiosk (Newell et al., see at least col. 4, lines 12-48).

The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to automatically sending information to the administration via voice and text messages by one or more of email and mobile phone, pager, or other wireless device.

Peters teaches automatically sending information to the administration via phone call (Peters, see at least, col. 16, lines 25-64).



The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include routinely obtaining, at the server, operational status of each of the kiosks as taught by Peters. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide the ability to remotely diagnose and monitor a kiosk (Peters, see at least, col. 2, lines 16-28).

10. Claims 34 and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 as applied to claim 1 above, and further in view of DeLapa et al. United States Patent 6,954,732 (hereinafter Delapa).

**As per claim 34,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to further comprising the step of generating automatic individually targeted promotions at one or more of the kiosks.

Delapa et al. teaches further comprising the step of generating automatic individually targeted promotions at one or

more of the kiosks (Delapa et al., see at least, ABSTRACT and col. 3, lines 30-67).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include further comprising the step of generating automatic individually targeted promotions at one or more of the kiosks as taught by Delapa et al. One of ordinary skill in the art would have been motivated to combine the references in order to develop promotional campaigns designed to encourage increased purchases among its frequent shoppers (Delapa et al., see at least, col. 3, lines 1-3).

**As per claim 38 and 39,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to further comprising the step of disturbing an individually targeted coupon to one or more users of the system.

Delapa et al. teaches further comprising the step of disturbing an individually targeted coupon to one or more users of the system (Delapa et al., see at least, col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include further comprising the step of disturbing an individually targeted coupon to one or more users of the system taught by Delapa et al. The motivation to combine is the same as claim 34, above.

**As per claim 40 and 70-71,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to distributing an individually targeted coupon to a user comprises the step of distributing a coupon activated by a transaction at the first kiosk.

However Delapa et al. teaches wherein the step of distributing an individually targeted coupon to a user comprises the step of distributing a coupon activated by a transaction at the kiosk (col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include further comprising the step of disturbing an individually targeted coupon to one or

more users of the system taught by Delapa et al. The motivation to combine is the same as claim 34, above.

11. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and Harman et al. United States Patent 7,058,581 and DeLapa et al. United States Patent 6,954,732 as applied to claim 34 above, and further in view of Roberts United States Patent 6,493,110.

**As per claim 35,** The examiner notes Newell et al., Kanoh et al., Harman et al. and Delapa et al. are all silent with respect to generating automatic promotions comprises the step of processing unique promotional codes.

However Roberts teaches generating automatic promotions comprises the step of processing unique promotional codes (Roberts, see at least, col. 6, lines 53-57 and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., Harman et al. Delapa et al. to include further comprising the step of generating automatic promotions at one or

more of the kiosks as taught by Roberts. One of ordinary skill in the art would have been motivated to combine the references in order to provide the possibility of eliminating fraud (Roberts, see at least, col. 6, lines 53-57.

**As per claim 36,** The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to the step of processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk.

Delapa et al. discloses processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk (Delapa et al., see at least col. 7, lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

**As per claim 37**, The examiner notes Newell et al., Kanoh et al., and Harman et al. are all silent with respect to the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk.

Delapa et al. discloses wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk (Delapa et al., see at least, col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

12. Claim 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoh et al. United States Patent 6,330,491 and

Harman et al. United States Patent 7,058,581 as applied to claim 1 above, and further in view of Dejageger United States Patent Application Publication 2001/0037207.

**As per claim 41,** The examiner notes that Newell et al. in view of Kanoh et al. and Harman et al. teaches administrating a kiosk via a remote terminal (see at least, claim 26 rejection).

The examiner notes Newell et al., Kanoh et al., and Harman et al. are silent with respect to administrating business data through a remote web interface.

Dejageger teaches administrating data through a remote web interface (Dejageger, see at least, 0014 and 0015).

The examiner takes the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Newell et al., Kanoh et al., and Harman et al. to include administrating data through a remote web interface as taught by Dejageger. One of ordinary skill in the art would have been motivated to combine the teachings in order to manage and facilitate the handling and direct operation of a remote kiosk (Dejageger, see at least, 0011).

***Response to Amendment***

13. The declaration(s) under 37 CFR 1.132 filed 10/31/2007 are insufficient to overcome the rejection of claim 1 based upon 35 U.S.C. 103(a) as being unpatentable over Newell et al. United States Patent 5,159,560 in view of Kanoah et al. United States Patent 5,934,439 and Harman et al. United States Patent 5,095,195 as set forth in the last Office action.

***Response to Arguments***

14. Applicant's arguments filed 10/31/2007 have been fully considered but they are not persuasive.

**With respect to claim 1**, the applicant argues the motivation to combine Newell with Kanoah. The applicant notes that "in order to correctly identify and authenticate a customer before dispensing a product to the customer" is not supported by the Newell or Kanoah references. The examiner disagrees. The examiner notes that Kanoah notes a trading terminal authorizing or prohibiting a desired transaction (see at least, col. 1, lines 43-57). The examiner notes this is similar to the examiner's motivation to combine Kanoah to Newell. This argument is not persuasive.



**With respect to claims 3-7, and 65,** the applicant argues the differences in Koenck and Newell in capturing a digital image code. The examiner notes that Koenck was used to highlight digital image capturing which was known to the vending art at the time the invention was made. One of ordinary skill in the art would have been motivated to combine some for of digital image code capturing if wanted (e.g. an act of design choice to make it internal). This argument is not persuasive.

**With respect to claim 23,** the applicant argues the back-up feature of Newell. The examiner notes under broadest reasonable interpretation the central database and kiosk contain backup of kiosk inventory which are forms of a backup. This argument is not persuasive.

**With respect to claims 24, 25, and 68,** please refer the response in the previous office action mailed out on 5/03/2007.

**With respect to claim 26-28,** the applicant argues the managing of kiosks via a server. The examiner notes Newell teaches coupling one or more kiosks to a central processing system via a telephone or dedicated line, each of the kiosks containing a plurality of optical recorded media and Kanoah

teaches a host computer making a decision for the kiosks. The examiner notes that Newell can be modified with the teachings of Kanoah's management of kiosk. This argument is not persuasive.

**With respect to claim 29,** the applicant argues determining inventory of each of the kiosks via Internet access through the central sever. The examiner notes Newell teaches the central processing system managing inventory of kiosk and Kanoah teaching whether renting of the video is possible or not. The examiner notes that Newell can be modified with the teachings of Kanoah's management of kiosk. This argument is not persuasive.

**With respect to claim 30,** the applicant argues emailing discount coupons to the first user through the internet based on kiosk inventory. The examiner notes under the broadest reasonable interpretation Crapo teaches providing a discount coupon based on inventory. This argument is not persuasive.

**With respect to claims 34, 38-40, and 70,** the applicant argues individually targeted promotions. The examiner notes Delapa teaches the notion of user household. This does not mean it has to be a household. The examiner notes under broadest reasonable interpretation each coupon is linked to particular

purchasing entity which could be a household or an individual.

This argument is not persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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